

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD MAY 8, 2017
(Approved June 12, 2017)

The Board of Supervisors held its' regular monthly meeting on Monday, May 8, 2017. Present for the meeting were supervisors Ray Kolb, W. Atlee Rinehart, Karen Nocella, Michael Albert Moyer and Anthony Duffy. Also present were Bernard A. Rodgers, Township Manager, Marjorie Brown, Township Solicitor and Brady Flaharty, Township Engineer.

Mr. Kolb called the meeting to order at 7:07 p.m. and the pledge of allegiance was recited.

Mr. Kolb turned over the meeting to Mr. Rodgers, who stated the Board of Supervisors held an Executive Session to discuss the upcoming Police Negotiations.

Mr. Kolb turned over the meeting to Mrs. Brown to hold the Public Hearing for the proposed Medical Marijuana Ordinance.

Public Hearing on Ordinance 212 – Medical Marijuana Ordinance

Mrs. Brown opened the public hearing at 7:08 pm. Mrs. Brown gave a brief review of Ordinance No. 212. Mrs. Brown distributed a revised copy of proposed Ordinance No. 212 with a minor revision to page 4, section 2.B. Mrs. Brown asked if any members of the Board of Supervisors had any questions on the proposed Ordinance. Mr. Kolb inquired if the only difference in the revised copy vs what was included in the Board of Supervisors packet is the revision on page 4, section 2.B? Mrs. Brown stated that was the only change.

Mrs. Brown asked if the public had any questions on the proposed Ordinance. Mrs. Sandy Bauers, 169 Sawmill Road, Pottstown, PA 19465 stated she could not find the proposed Ordinance on line. Mrs. Bauers asked Mrs. Brown to explain the difference between C – Commercial and LI – Light Industrial Zonings. Mrs. Brown stated C – Commercial will be where the Medical Marijuana “distributors: could locate and LI – Light Industrial will be where the Medical Marijuana “growers” could locate. Mrs. Bauers asked if these zoning districts are located along the Rt. 724 corridor. Mrs. Brown stated yes.

Mr. Bauers, 169 Sawmill Road, Pottstown, PA 19465 asked if the Township has received any submittals. Mr. Rodgers stated that the Township has not received any submittals. Mr. Bauers asked what the criteria is to become a grower. Mrs. Brown stated there is very strict criteria to become a grower and gave a brief description of some of the requirements to become a Medical Marijuana growing facility.

- East Coventry Township is part of the Southeast Region for Pennsylvania. There will only be 10 permits for dispensaries and 2 permits for grower / facilities.
- There are extensive financial requirements needed to submit an application. If you do not meet the financial requirements, your application will not be accepted.
- What is being dispensed will be a pill, lotion or topical form of marijuana. It will not be anything that can be smoked.
- The state of Pennsylvania will be regulating the dispensaries and the grower / facilities.

Mrs. Brown closed the public hearing for the proposed Ordinance 212 at 7:32 pm.

1. ORDINANCE

Ordinance 212 – Medical Marijuana

An ordinance amending the Code of Ordinances of the Township of East Coventry, Chester County, Pennsylvania, to Amend Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), to add New Definitions relating to Medical Marijuana Regulation; to Amend Chapter 27 (Zoning), Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 27-902 (Use Regulations), Paragraph 4 (C Commercial District Uses Permitted by Right), to add New Subparagraph L to Permit Medical Marijuana Dispensaries and to Amend Section 27-905 (Other Requirements and Standards), to Add New Paragraph 6 entitled “Use Regulations for Medical Marijuana Dispensaries”; and to Amend Chapter 27 (Zoning), Part 11 (LI Limited Industrial District), Section 27-1102 (Use Regulations), Paragraph 1 (LI Limited Industrial District Uses Permitted by Right), to add New Subparagraph B to permit Medical Marijuana Growing/Processing Facilities and to Amend Section 27-1105 (Other Requirements and Standards), to add New Paragraph 2 Entitled “Use Regulations for Medical Marijuana Growing/Processing Facilities”.

Mrs. Nocella made a motion to approve Ordinance 212. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 5-0-0 vote.

2. MINUTES

April 10, 2017 Meeting Minutes

Mr. Rinehart proposed the following corrections to the minutes on page 2, 2nd paragraph under **Parks, Recreation and Open Space Plan Presentation**. The current minutes read “Mr. Kolb stated there are a couple errors on the maps in the Pan”, should read “Mr. Kolb stated there are a couple errors on the maps in the Plan”. Mr. Rinehart made a motion to approve the minutes of April 10, 2017 with the corrections as noted. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 5-0-0 vote.

3. PUBLIC COMMENTS

Mr. Steve Cowles, 120 Country Lane, Pottstown, PA 19465 discussed the noise level from the motor bikes running behind their house. Mr. Cowles stated he recorded 87 decibels with his decibel meter. Mr. Cowles stated he recorded the kids riding the motor bikes with his phone and provided a thumb drive to the Township with the video’s. Mr. Cowles stated he would like to see the “Grandfather” clause that is on this property. Mrs. Brown stated there is not an actual “Grandfather” clause that can be read. A discussion ensued. Mrs. Brown stated she could put an ordinance together under Section 6, Conduct, if the Board wishes. Mr. Moyer made a motion to create a standalone Ordinance under Section 6, Conduct to deal with noise levels. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 5-0-0 vote.

Mrs. Mary Ann Keen, 537 Sanatoga Road, Pottstown, PA 19465 discussed the proposed children’s programs the Parkerford Women’s Club would like to hold at the Ellis Woods Park on July 19, 2017 and August 16, 2017. Mrs. Keen stated they would also like to invite people from the Manatawny Manor. Mrs. Keen introduced Connie Coppo, 40 Meadow Lane, Pottstown, PA 19465 who explained the programs and requested a contribution from the Township to cover the fees for the Magician and Ventriloquist that will be part of the programs. The fee for the Magician is \$180.00 and the fee for the Ventriloquist is \$240.00. Mrs. Coppo stated there is also a request for \$50 for signs to advertise the programs.

Mrs. Nocella stated the Parkerford Women’s Club attended the Parks, Recreation and Conservation Committee meeting to discuss the programs. The Parks, Recreation and Conservation Committee would like to support both programs and are willing to use money from the “Rock the Wall” race to

pay for the Magician, Ventriloquist and purchase the signs.

Mr. Rodgers stated he has been in conversations with Mr. Hosterman pertaining to the State of Pennsylvania requirements for the Child Protection Laws. The State of Pennsylvania requires certain certifications for volunteers and employees who would be supervising “minor children”. After much discussions, the Township is requiring all organizations holding programs with children be required to obtain the required certifications from the State of Pennsylvania. The Township cannot take the risk of being involved with organizations holding programs with children and not have the appropriate certificates. This would include the appointed committee members for the Parks, Recreation and Conservation Committee, the Historical Commission and Township Employees involved with the programs.

A discussion ensued on whether the Township would pay any fees required to obtain the child clearance certifications. Mr. Moyer made a motion directing the Township Solicitor to create a Resolution identifying Township sponsored Committees/Boards, and volunteers working with the various committees /Boards that would be required to obtain the necessary certifications. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 5-0-0 vote.

Mr. Rodgers stated as a side note, he did have a conversation with Gail Brown pertaining to using “minors” as tour guides at Fricks Lock Village.

Mrs. Coppo asked if this includes the cost of the signs. Mrs. Nocella stated she has not had a chance to research the signs. Mrs. Nocella stated she will look on line and get back to Connie with the cost of the signs.

Mr. Kolb made a motion to provide a donation up to the total sum of \$420.00 to the Parkerford Women’s Club for both children’s programs on July 19, 2017 and August 16, 2017. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and **the motion carried** with a 5-0-0 vote.

Mrs. Missy King wanted to clarify and make sure people know that the money from the Parks, Recreation & Conservation Committee is from the donations given to the “Rock the Wall” run, not from tax payer money.

Mrs. Missy King, 10 Eleanor Drive, Spring City, PA 19475, stated Chester County is looking to split the Ridge Fire Company voting location. The Committee is looking to utilize the Parkerford Brethren Church, but if the church is not available, she asked if the Board would approve the use of the East Coventry Township Building as a polling location. The consensus of the Board of Supervisors was that there was not an objection to the Township Building be used as a polling location.

Flora Kapp, 22 Bishop Road, Pottstown, PA 19465 asked about the Ussler Trail easement. Mrs. Kapp noticed there is farm equipment blocking an area of the trail by the old school house. Mr. Kolb explained that where the disc is located is Mr. Stevie Ussler’s property. Mr. Kolb stated there is a 20 foot by 100-foot section from the road back between the schoolhouse and the property line. The Township is currently working to flip flop that area for the easement. Mr. Kolb asked people to not venture from the trail. Mr. Ussler does not want anyone on his property.

Mr. Gloria Burgess, 14 Latschar Lane, Spring City, PA 19475 made a presentation to the Board of Supervisors to support the passage of Senate Bill 22 and House Bill 722 to end the Gerrymandering in Pennsylvania. Mrs. Burgess would like the Board of Supervisors to pass a Resolution at the June 12, 2017 Board of Supervisors in favor of Senate Bill 22 and House Bill 722.

4. **Appointment of Zoning Hearing Board Alternate**

Resolution 2017-15 – Appointment of Zoning Hearing Board Alternate

Mr. Rodgers reviewed proposed Resolution 2017-15 appointing Robert Dredge as the Alternate Member to the Zoning Hearing Board.

Mr. Duffy made a motion to appoint Robert Dredge as the Alternate Member of the Zoning Hearing Board. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 4-0-0 vote.

5. **REPORTS**

Township Manager's Reports

Consideration of approval for the Special Fire Police Applications

Mr. Rodgers discussed the applications submitted for Special Fire Police Applications for the following events:

- East Vincent Elementary School PTA – Use of light tower on Friday, April 28, 2017 from 5:30 pm to 8:30 pm
- East Vincent Elementary School PTA – Use of light tower on Wednesday, May 10, 2017 and Thursday, May 11, 2017 from 5:30 pm to 8:30 pm
- French & Pickering Creek Conservation Trust – Bicycle Event to Raise Funds & to show off Preserved Land – June 11, 2017 from 8:15 am to 11:45 am
- Chester County Fire Police Association – Chester County Balloon Festival – Friday, June 23, 2017 from 3:00 pm to 10:00 pm; Saturday, June 24, 2017 from 11:00 am to 10:30 pm; and Sunday, June 25, 2017 from 11:00 am to 10:00 pm

Mr. Rinehart made a motion to approve the Fire Police Requests for the East Vincent Elementary School PTA; the French & Pickering Creek Conservation Trust and the Chester County Fire Police Association. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 4-0-0 vote.

Consideration of approval of Kathleen McDermott for membership to the East Coventry Historical Commission

Mr. Rodgers reviewed the proposed appointment of Kathleen McDermott for membership to the East Coventry Historical Commission.

Mr. Rinehart made a motion to appoint Kathleen McDermott for membership to the East Coventry Historical Commission. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 5-0-0 vote.

Notification of Pennsylvania American Water proposed Water Rate Changes

Mr. Rodgers discussed the notification to the Township that the PA American Water Company submitted a request to the PUC for a rate increase. Mr. Rinehart asked if this will affect the fees for the fire hydrants. Mr. Rodgers stated that it can.

Transfer of Funds/Accounts to TD Bank from BB&T

Mr. Rodgers discussed the proposed transfer of funds/accounts from BB&T Bank to TD Bank. Mr. Rodgers stated National Penn Bank was bought out by BB&T Bank. BB&T Bank has changed their procedure and are charging fees for every check deposited. Mr. Rodgers is proposing to transfer all funds/accounts from BB&T to TD Bank.

Mr. Rinehart made a motion to approve the transfer of all funds/accounts from BB&T to TD Bank. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 5-0-0

vote.

Replacement of Kulp Road Bridge

Mr. Rodgers stated the timeline to replace the Kulp Road Bridge is as follows:

- June 5, 2017 – Bids are due
- June 12, 2017 – Approval of Bids by Board of Supervisors
- July 3, 2017 – Start date
- November 1, 2017 – Completion date

Consideration of Township Engineer's Report

Mr. Rinehart made a motion to approve the Township's Engineer Report. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Consideration of approving reports from various departments and committees

Mr. Kolb made a motion to approve the reports from various departments and committees. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

6. Subdivision and Land Development

7. Zoning Hearing Board Applications

8. Other Business

9. Exonerations

Mr. Moyer read the list of exonerations. Mr. Duffy made a motion to approve the Exonerations List. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rodgers asked Mrs. Brown if the Board of Supervisors could accept the Exonerations list without reading all the names in a public meeting. Mrs. Brown stated the Exonerations list can be accepted without reading the entire list in the public meeting.

Mr. Moyer made a motion to stop the reading of all the names on the Exonerations list in a public meeting and accept the list in its entirety. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 5-0-0 vote.

10. Payment of Bills

Mrs. Nocella made a motion to pay the bills as presented:

Fund Name	Amount to Pay
General Fund	212,535.34
Fire Hydrant Fund	1,017.32
Open Space	1,554.08
Sewer Operating Fund	15,803.58
Sewer Capital Fund	-
Traffic Impact Fee Fund	-
Capital Reserve	-
Highway State Aid Fund	2,331.41
TD Escrow	-
Totals	\$ <u>233,241.73</u>

Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 5-0-0 vote.

11. Information Items and Additional Items to be Brought Before the Board

Mr. Kolb discussed the proposal to dress down in the months of June, July and August. Mr. Kolb made a motion to dress down for the months of June, July and August. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion carried** with a 5-0-0 vote.

Mr. Kolb asked the residents to please stay on the trail when walking the Ussler trail. Mr. Kolb suggested a sign be put on each bench saying to Please stay on the Trail.

Mr. Rinehart stated the Township Newsletter discussed the Kulp Road Bridge repair. Mr. Rinehart asked Mr. Flaharty if it would be more cost effective for the Township to do more of the bridge repairs instead of going through private contractors to do the repairs.

Mr. Brady stated he has been dealing with private contractors over the years doing the bridge work. Mr. Brady stated having experienced contractors who do bridge work all the time is better. Sometimes it's better to do it right the first time instead of having to do the work multiple times.

12. Adjournment

Mrs. Nocella moved to adjourn the monthly meeting at 8:42 p.m. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Respectfully submitted,

Bernard A Rodgers
Township Secretary